



REMARKS

Claims 1-20 are pending in the application. The Examiner has rejected Claims 1, 4, 8 and 12-20 under 35 U.S.C. §103(a) as being obvious over Johansson et al. (U.S. Patent 6,643,813) in view of Beming et al. (U.S. Patent 6,236,646). The Examiner has rejected Claims 2, 3, 5-7 and 9-11 under 35 U.S.C. §103(a) as being obvious over Johansson et al. in view of Beming et al. and further in view of Honkasalo et al. (U.S. Patent 6,091,717).

Regarding the rejections of independent Claims 1, 8 and 12-20 under §103(a), the Examiner states that Johansson et al. and Beming et al. disclose all of the elements of these claims. Regarding independent Claims 5 and 11 under §103(a), the Examiner states that Johansson et al., Beming et al. and Honkasalo et al. disclose all of the elements of the claims. Johansson et al. discloses a method and apparatus for reliable and efficient data communications; Beming et al. discloses packet data communications scheduling in a spread spectrum communications system; and, Honkasalo et al. discloses a method for scheduling packet data transmission.

The claims of the present application relate to an apparatus and a method of designating a reverse common channel as a dedicated channel to be used by a mobile station to respond to a message sent by a base station. The Examiner cites Beming et al. as disclosing the designating of a reverse common channel as a dedicated channel. However, Beming et al. relates to designating dedicated channels, and not common

channels. According to col. 1, lines 19 through 31 of Beming et al., each mobile station has access to its own set of uplink code channels, and Beming et al. solves interference problems occurring between the uplink code channels for each user through the use of scheduling. The uplink code channel of Beming et al. is a dedicated channel for each user.

In addition, it is respectfully submitted that the burst data of Beming et al. occurs simultaneously on the each uplink code channel, and not on a common channel. As disclosed at col. 1, lines 19 through 31, the interference occurs because each uplink code channel is not synchronized.

Still further, the claims of the present application designate a common channel to be used as a dedicated channel. Beming et al. does not designate a common channel to be used as a dedicated channel; Beming et al. designates dedicated channels to be used as dedicated channels.

With respect to Claims 1, 8 and 12-20 Johansson et al. does not cure the defects of Beming et al.; and, with respect to Claims 5 and 11 Johansson et al. and Honkasalo et al. do not cure the defects of Beming et al.

Based on at least the foregoing, withdrawal of the rejection of Claims 1, 5, 8, 11 and 12-20 is respectfully requested.

Claims 1, 5, 8, 11 and 12-20 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6, 7, 9 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6, 7, 9 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-20, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/ml